

tions. That the courts are subject to influences of this sort, and quite justly so, it would be idle to deny.

That Justice Moody of the Supreme Court, who while Attorney General had approved of Roosevelt's utterances,

took this view of the matter, appears in a letter that he wrote to Charles **Gr.** Washburn, on May 11, 1916, from which I quote these passages:

" There are some parts of Roosevelt's work as President which I think no one knew better than I did, and there are some results of it which ought to receive thorough study and be brought clearly to light. I have here in mind the effect of his acts and preachings upon economic thought and the development of the constitutional theory of our government.

If one contrasts the state of opinion as to the proper relation between capital and labor and the proper attitude of government toward both as that opinion existed say, just before the "War with Spain and as it exists to-day, one cannot fail to see that there has been an extraordinary change. In this change I believe he was the one great leader in this country; not that he was preaching things altogether novel or that he was originating a new system of social philosophy; but that at the right time he happened to be in the right place to convert his thoughts into acts and to teach them to a people anxious for constructive leadership, from what he once called the greatest pulpit in the world, the Presidency. . . . Perhaps he would scout the idea that he had been a guide in constitutional interpretation. I remem-

ber the state of legal thought and the attitude of the Supreme Court in the nineties toward what we call the new nationalism. I believe no one appreciates more clearly than I the great change that has come to both since then. It is but a revival of the doctrines of Marshall, which at one time seemed to have lost potency. By the legislation which Theodore Eoosevelt promoted against great odds, there have been drawn, from the Supreme Court decisions which have declared the complete nationalism which is necessary to our future national life."